

## TEMPORARY EASEMENT FOR CONSTRUCTION

KNOW ALL BY THESE PRESENTS:

That **Craig A. and Cynthia S. Smiens** (hereinafter called "Grantor") in consideration of mutual benefit and other valuable consideration in hand paid by the City of Ankeny, Iowa upon final approval and acceptance of this easement do hereby convey unto the City of Ankeny, Iowa, a municipal corporation, in the County of Polk, State of Iowa, a temporary easement across the following described real estate:

As per attached exhibit

That said easement is granted unto the City of Ankeny, Iowa, for the purpose of the access, construction, installation and repair of the following described public improvement:

SE Tributary (B) to Fourmile Creek – Stream Stabilization Project

In connection herewith it is specifically agreed that by this easement, the City of Ankeny shall have the right to enter upon said premises as shall be necessary to construct, inspect, and repair, any and all of said improvements and all appurtenances thereto, together with the right to use said improvements as it deems necessary.

The said municipal corporation shall restore said described land to a satisfactory condition after construction and/or repair in satisfactory condition as per plan.

This easement shall be for the period of time necessary to construct this improvement and will expire upon final acceptance of the project by the City Council of the City of Ankeny.

That the grantors do hereby covenant with said grantee, and successors in interest, that said grantors hold said real estate by title and fee simple; that they have good and lawful authority to sell and convey the same; that said premises are free and clear of all liens and encumbrances whatsoever except as may be hereinabove stated; that said grantors covenant to warrant and defend the said premises against the lawful claims of all persons whomsoever, except as may be above stated.

IN WITNESS WHEREOF WE have hereunto affixed our hands this 14<sup>th</sup> day of July, 2010.

BY: Craig A. Smiens  
Craig A. Smiens

BY: Cynthia S. Smiens  
Cynthia S. Smiens

STATE OF IOWA :  
: ss.  
COUNTY OF POLK :

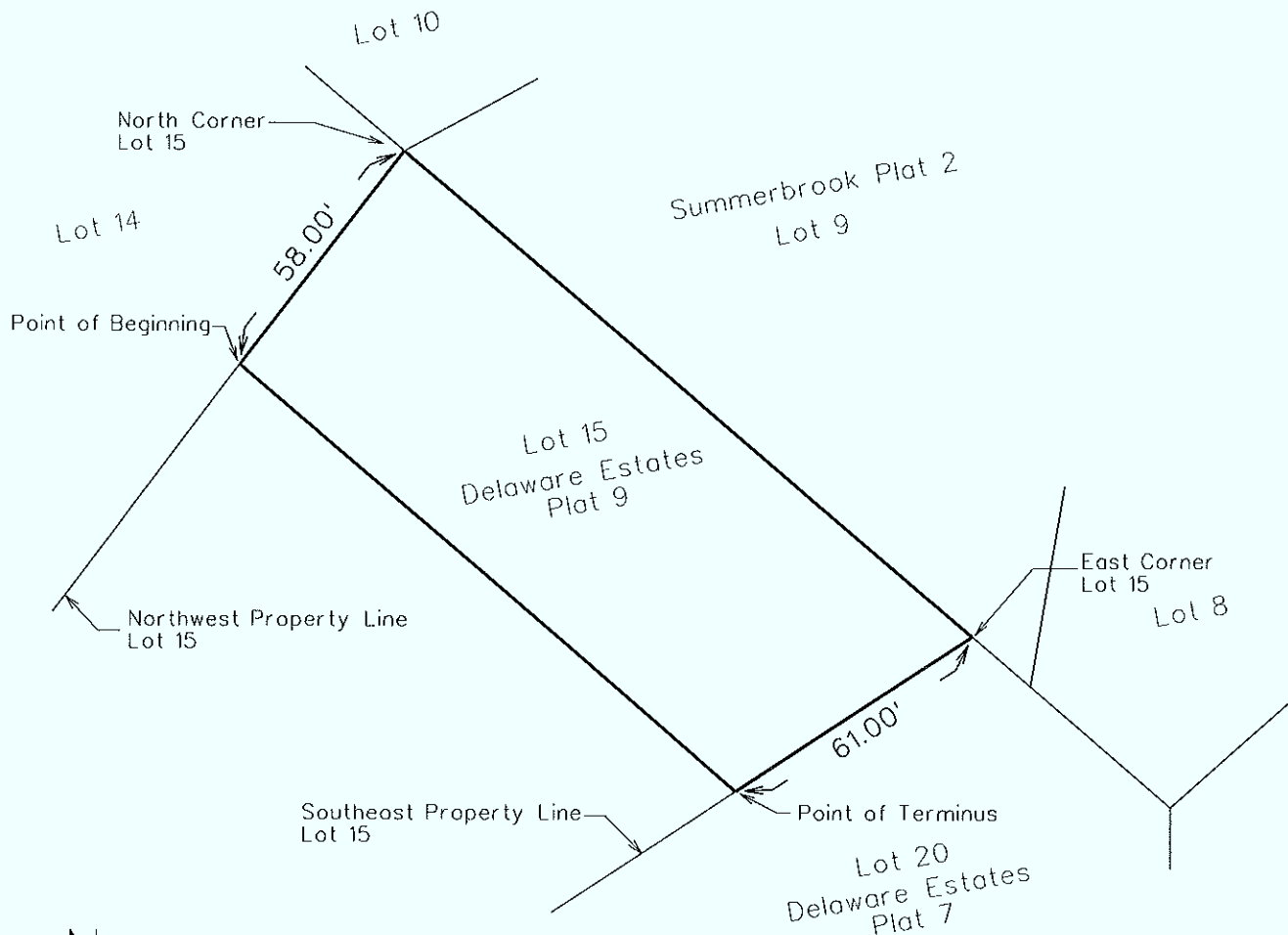
On the 14<sup>th</sup> day of July, 2010, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Craig A. Smiens and Cynthia S. Smiens to me known to be the person(s) named in and who executed the foregoing instrument, and acknowledged that he/she/they executed the same as a voluntary act and deed.

Kimberly R. Pfaltzgraff  
Notary in and for the State of Iowa

My Commission Expires 12-21-2012



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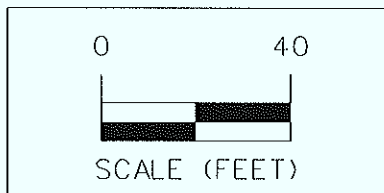


## Temporary Construction Easement Description:

A part of Lot 15, Delaware Estates Plat 9, an Official Plat in the City of Ankeny, Polk County, Iowa and lying Northeast of the following described line:

Beginning at a point on the Northwest line of said Lot 15 being 58.00 feet Southwest of the North corner thereof; Thence Southeast to a Point of Terminus on the Southeast line of said Lot 15, said point being 61.00 feet Southwest of the East corner thereof.

Described Temporary Construction Easement contains 8,805 S.F.



## LEGEND

Property Line \_\_\_\_\_  
Temporary Easement Line \_\_\_\_\_

**SE TRIBUTARY (B) TO FOUR MILE CREEK**  
**PARCEL 12 - CRAIG & CYNTHIA SMIENS**



**SNYDER & ASSOCIATES**  
Engineers and Planners

2727 S.W. SNYDER BLVD.  
ANKENY, IA 50023 (515) 964-2020

SHEET 1 OF 1

PN: 1100450

SCALE: 1" = 40'

DATE: 06/24/10

TECH: JCC